

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL DARRELL RED EAGLE, SR.,

Defendant.

CR-15-44-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 6, 2019. (Doc. 95.) The United States alleged that Paul Darrell Red Eagle, Jr. violated his conditions of supervised release by (1) consuming alcohol; (2) using methamphetamine; (3) failing to report for substance abuse treatment; and (4) committing another crime. (Doc. 92 at 1-2.)

Judge Johnston entered Findings and Recommendations in this matter on February 7, 2019. (Doc. 99.) Red Eagle waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 3-4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Red Eagle's supervised release. Judge Johnston has recommended that the Court revoke Red Eagle's supervised release and commit Red Eagle to the custody of the Bureau of Prisons for a term of 4 months, with 32 months of supervised release to follow. (Doc. 99 at 3.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Red Eagle's violation of his conditions represents a serious breach of the Court's trust. A sentence of 4 months custody, followed by 32 months of supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 99) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Paul Darrell Red Eagle, Sr. be sentenced to 4 months custody with 32 months of supervised release to follow.

DATED this 20th day of February, 2019.



Brian Morris
United States District Court Judge